

REMARKS/ARGUMENT

Claims 1 and 15 are pending. Both are independent. Claims 2 and 16 have been canceled without prejudice.

Applicant thanks the Examiner for the proposal for amendments to the claims communicated by facsimile transmission to Applicant's undersigned attorney on November 19, 2004. As will be discussed below, the independent claims have been amended taking the Examiner's suggestions into account, with some changes made as believed appropriate.

Claims 1 and 15 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In view of the amendments to both of these claims, the rejection is believed clearly obviated. Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 15 and 16 were rejected under 35 U.S.C. § 103 as obvious from U.S. Patent 6,256,326 (Kudo) in view of U.S. Patent 6,256,292 (Ellis et al.). Applicant traverses and submits that independent claims 1 and 15 are patentable for at least the following reasons.

Claim 1 is directed to a node for routing data on a transmission network. The transmission network includes one or more network paths. The node includes data processing layers associated with the one or more network paths, the data processing layers including first, second, and third layers, the second layer being between the first layer and the third layer in the layering and the first layer comprising at least Virtual Tributary level (VT), the node performing a cut-through transmission operation comprising: mapping a packet received from the network in the first layer; the first layer judging whether the packet is to be dropped at the node or to be hopped to a next node; the first layer transmitting the packet to the third layer which performs routing operations through the second layer when the first layer judges that the packet is to be dropped at the node; and the first or second layer transmitting the packet to

the next node when the first layer judges that the packet is to be hopped, where the packet is transmitted without terminating the first layer.

Applicant has previously presented arguments to overcome the rejection based upon Kudo and Ellis. While those arguments are maintained, to expedite prosecution, the independent claims have been amended substantially along the lines suggested by the Examiner in a recent communication with Applicant's undersigned attorney. The significant difference between the Examiner's proposal and the amendment to claim 1 is that rather than recite "SDH network paths" in the preamble, claim 1 more broadly recites "the transmission network includes one or more network paths."

Support for the amendments is believed clearly to be found in the specification and drawings, as has been recognized by the Examiner. Applicant has found no teaching or suggestion in the cited references of the features of amended claim 1. For at least this reason, amended claim 1 is believed clearly patentable over the cited art.

Amended claim 15 is a method claim corresponding to amended claim 1 and is believed patentable for at least the same reasons as claim 1.

If the Examiner believes that any issues remain outstanding, she is respectfully requested to contact the undersigned before issuance of another Office Action in an effort to move this case to allowance.

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Docket No.: G0126.0182/P182

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

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